UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,244	06/28/2001	Sreeram Duvvuru	P6197	9154

35690	7590	05/25/2006

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
700 LAVACA, SUITE 800
AUSTIN, TX 78701

EXAMINER
LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/17/2001</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   The amendment filed 2/13/2006 has been placed of record in the file.

2.   No claims have been amended.

3.   Claims 1-27 are now pending.

4.   The applicant's arguments with respect to claims 1-27 have been fully considered but

they are not persuasive. A detailed discussion is set forth below.

Claim Rejections - 35 USC § 102

5.   Claims 1-27 remain rejected under 35 U.S.C. 102(e) as being anticipated by Mangipudi et

al. (U.S. Patent Number 6,728,748), hereinafter referred to as Mangipudi, as presented in the

previous action dated 11/14/2005.

Response to Arguments

6.   In the remarks, the applicant has argued:

- <Argument 1>

  Mangipudi does not disclose the features of claim 1 because he does not disclose

  "propagating said quality of service context with said request in the server system" as

  recited in claim 1.

- <Argument 2>

  Mangipudi does not disclose the features of claim 6 because he does not disclose

  "propagating the same quality of service context with a subsequent request related to said

  request" as recited in claim 6.

- <Argument 3>

  Mangipudi does not disclose the features of claim 7 because he does not disclose

  "inserting said quality of service context adjacent to at least one of a security and

  transaction context" as recited in claim 7.

7.   In response to argument 1, Mangipudi does disclose propagating the quality of service

context as recited in claim 1. The previous line citation, column 10, lines 25-31, shows that the

request is forwarded to a particular server which will respond directly to the client. The server

chosen can depend on load balancing processes for certain clusters or classes. Mangipudi

explicitly states that a class (or class of service) is assigned to the request. This clearly meets the

limitation of propagating the quality of service context with the request. Mangipudi is replete

with examples of different types of class assignment or designation. Specific back-end servers

serve only a specific class of requests. If this class context is not propagated with the request, the

server would not be able to do its job. Mangipudi goes on to discuss in greater detail how a

back-end server is selected as a function of server attributes. See also column 11, lines 48-65.

8.   In response to argument 2, Mangipudi does disclose propagating the same quality of

service context as recited in claim 6. The previous line citation, column 11, lines 38-41, shows

that subsequent requests in the same session are routed to the same server. These subsequent

requests come from the same client and are a part of the same session, meaning they have the

same class (or quality of service context) assigned to them. As discussed above, Mangipudi

propagates the class with each request to a specific server. Additionally, the system is session

aware, so each subsequent related request is also forwarded to the same specific server. These

subsequent requests also include the assigned class.

9.   In response to argument 3, Mangipudi does disclose a quality of service context adjacent

to a transaction context as recited in claim 7. The previous line citation, column 10, lines 21-25,

shows transaction prioritization used in conjunction with the class of service parameters. This

meets the limitation of an adjacent transaction context. The claim simply states "at least one of a

security and transaction context" and provides no further information or detail so as to define or

describe what a security context or a transaction context may be. Mangipudi clearly states a

transaction context as his system even tracks the transaction type of requests. See also column

13, lines 28-41. It is also noted that Mangipudi's system can implement classes of service in

conjunction with an authentication process (see column 9, lines 58-67), which could be

considered a security context.

10.   In addition, the applicant has argued that claims rejected under 35 U.S.C. 102, but not

explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing

similar limitations to the discussed claims and related dependent claims remain rejected under

the same reasoning as presented above.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.
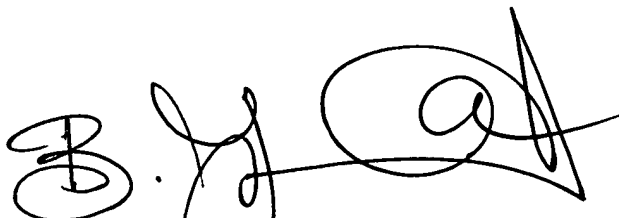
The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Victor Lesniewski
Patent Examiner
Group Art Unit 2152

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER